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<b>Request For Continued Examination (RCE) Transmittal</b>  Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/976,945
	Filing Date	October 12, 2001
	First Named Inventor	Pascal Pineau
	Art Unit	2623
	Examiner Name	Mehrdad Dastouri
	Attorney Docket Number	1296-01

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APR 20 2005

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114.** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- ii. ☐ Other
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Substitute Amendment and Contingent Petition for Five-Month Extension of Time

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 CFR 1.17(c) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-2719. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other: any deficiencies
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Signature	<i>Steven A. Nash</i>	Date	April 20, 2005
Name (Print/Type)	Steven A. Nash	Registration No.	45,507

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Steven A. Nash</i>	Date	April 20, 2005
Name (Print/Type)	Steven A. Nash		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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-PHIL1:3704859.v1

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**DLA PIPER RUDNICK GRAY CARY US LLP**  
INTELLECTUAL PROPERTY GROUP  
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APR 20 2005

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**FACSIMILE TRANSMITTAL**

To: USPTO Examiner Mehrdad Dastouri  
Art Group: 2623  
Facsimile No.: (703)-872-9306  
From: Steven A. Nash (Direct Phone No. 215-656-3305)  
Date: April 20, 2005  
Re: U.S. Patent Application No. 09/976,945  
Docket No.: 1296-01  
Number of Pages (including cover page): Thirty-three (34)  
If you do not receive all the pages or experience any difficulty receiving this transmission,  
please call (215) 656-3300  
Additional Instructions/Comments:

Attached are the following documents for your consideration in the above-identified  
application:

1. Certificate of Facsimile (1 page)
2. Amendment Transmittal Letter, in duplicate (4 pages)
3. Substitute Amendment and Contingent Petition for Five-Month  
Extension of Time, in duplicate (26 pages)
4. RCE, in duplicate (2 pages)

~PHIL1:3704416.v1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 2623  
Examiner : Mehrdad Dastouri  
Serial No. : 09/976,945  
Filed : October 12, 2001  
Inventor : Pascal Pineau  
Title : MEDICAL IMAGING SYSTEM

Customer No.: 35811

Docket No.: 1296-01

Confirmation No.: 1749

Dated: April 20, 2005

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Certificate of Facsimile

For

Amendment Transmittal Letter, in duplicate (4 pages)  
Substitute Amendment and Contingent Petition for Five-Month Extension of Time, in duplicate (26 pages)  
RCE, in duplicate (2 pages)

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name of Applicant, Assignee, Applicant's Attorney  
or Registered Representative:

DLA Piper Rudnick Gray Cary US LLP  
Customer No. 35811

By: Date: April 20, 2005

Attorney Docket No.: 1296-01

In re Application of Pascal Pineau

Serial No.: 09/976,945

Filed: October 12, 2001

For: MEDICAL IMAGING SYSTEM

Mail Stop RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Substitute Amendment and Contingent Petition for Five-Month Extension of Time in the above-identified application.

- Small entity status of this application under 37 CFR §1.9 and §1.27 has been established.
- A verified statement to establish small entity status under 37 CFR §1.9 and §1.27 is enclosed.
- X No additional fee is required for claims.

The fee has been calculated as shown below:

(Col. 1) (Col. 2) (Col. 3)

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PRE- VIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 7	-	** 20=	0
INDEP.	* 1	-	** 3=	0
Application Size Fee				
First Presentation of Multiple Dependent Claim				

SMALL ENTITY

RATE	ADD'L FEE
x 25 =	\$
X 100 =	\$
	\$
+180=	\$

OR

OTHER THAN  
SMALL ENTITY

RATE	ADD'L FEE
x50 =	\$
x 200 =	\$
x250=	\$
+360=	\$

TOTAL ADDITIONAL FEE \$ 0 OR \$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

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A duplicate copy of this sheet is enclosed.


— A check in the amount of \$ \_\_\_\_\_ is attached.

x The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-2719. A duplicate copy of this sheet is enclosed.

x Any filing fees under 37 CFR §1.16 for the presentation of extra claims.

x Any patent application processing fees under 37 CFR §1.17 with the exception of the Issue Fee which we intend to pay by check.

Respectfully submitted,



Steven A. Nash  
Reg. No. 45,507

T. Daniel Christenbury  
Reg. No. 31,750  
Attorneys for Applicant

TDC:SAN:vbm  
(215)656-3305

Attorney Docket No.: 1296-01

In re Application of Pascal Pineau

Serial No.: 09/976,945

Filed: October 12, 2001

For: MEDICAL IMAGING SYSTEM

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INDEP.	* 1	-	** 3=	0
Application Size Fee				
First Presentation of Multiple Dependent Claim				

## SMALL ENTITY

RATE	ADD'L FEE
x 25 =	\$
X 100 =	\$
	\$
+180=	\$

OR

OTHER THAN  
SMALL ENTITY

RATE	ADD'L FEE
x50 =	\$
x 200 =	\$
x250=	\$
+360=	\$

TOTAL ADDITIONAL FEE

\$ 0

OR

\$

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Attorneys for Applicant

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(215)656-3305



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